

STATE OF MINNESOTA  
OFFICE OF ADMINISTRATIVE HEARINGS  
FOR THE PUBLIC UTILITIES COMMISSION

In the Matter of the Application for a  
Route Permit for the Hiawatha  
Transmission Project

**SECOND PREHEARING ORDER  
and SCHEDULE REVISIONS**

A telephone conference was held on January 28, 2010, before Beverly Jones Heydinger, Administrative Law Judge.

Appearances:

Lisa M. Agrimonti and Valerie Herring, Briggs and Morgan, P.A., appeared on behalf of Northern States Power Company, (Applicant).

Paula G. Maccabee, Just Change Consulting/Law Offices, appeared on behalf of Midtown Greenway Coalition.

Corey M. Conover and Gregory Sautter, Assistant City Attorneys, appeared on behalf of the City of Minneapolis.

Howard A. Roston, Malkerson Gunn Martin LLP, appeared on behalf of Crew2, Inc.

Charles H. Salter, Assistant County Attorney, appeared on behalf of Hennepin County and Hennepin County Regional Railroad Authority.

Sheldon Mains, President, appeared on behalf of Seward Neighborhood Group.

Eric Gustafson, Assistant Director, appeared on behalf of Corcoran Neighborhood Organization.

Crystal Trutnau, Executive Director, appeared on behalf of Phillips West Neighborhood Organization.

Leslie M. Hayashida, Senior Counsel, and Elizabeth H. Schmiesing, Faegre and Benson LLP, appeared on behalf of Wells Fargo Bank.

Shirley Heyer, Board Member, appeared on behalf of Midtown Phillips Neighborhood Association.

Carol Ann Pass, President, appeared on behalf of East Phillips Improvement Coalition.

Karen Finstad Hammel, Assistant Attorney General, appeared on behalf of the Department of Commerce, Office of Energy Security, Energy Facility Permitting Staff (Department). Department staff, Deb Pile, Public Advisor, and William Storm, Project Manager, were also present.

Commission staff, Bob Cupit, was present.

Joanne Solotaroff, Longfellow Community Council, did not appear with the consent of the Administrative Law Judge, and provided the name of its intended witness, as directed.

Lori Ellis, Little Earth of United Tribes, did not appear, nor did she notify the Administrative Law Judge that she would not appear.

### **Summary:**

The telephone conference was initially scheduled at the request of the Applicant to review the number of witnesses that the parties intend to call at hearing and determine whether additional hearing dates should be scheduled.

Discussion was held among the participants concerning the number of possible witnesses, the proposed schedule, guidelines for prefiling testimony, preparing the exhibits and exhibit list and scheduling witnesses.

All of the parties agreed that additional time should be reserved for public testimony and the evidentiary hearing.

### **IT IS HEREBY ORDERED:**

1. The deadline to petition to intervene in this proceeding has passed. Any subsequent request to intervene must be accompanied by an affidavit setting for the reasons why the petition could not be filed by January 20, 2010, and will require an affirmative showing that the parties will not be disadvantaged by the late request, and that the interests of the proposed intervenor will not be adequately represented by the parties to the proceeding.

### **Hearing Schedule**

2. Public hearings will be held in Minneapolis, Minnesota, on **April 5 and April 6, 2010, at 2:00 p.m. and 7:00 p.m.**, at Plaza Verde, 1516 East Lake Street, Minneapolis, Minnesota.

3. The parties shall convene on **April 5, 2010, at 11:00 a.m.**, at Plaza Verde, to mark and introduce into evidence the prefiled testimony and accompanying attachments.

4. The evidentiary hearing shall commence on **April 12, 2010, at 9:30 a.m.**, at the Public Utilities Commission, and shall continue on April 13-16, April 19-21, April 26-30, and May 3-4, 2010, as necessary to complete the presentation of the evidence.

5. The Administrative Law Judge will confer with Bill Storm after the hearing on the Draft Environmental Impact Statement, February 10, 2010, to determine if additional public hearings should be scheduled for April 12, 2010, and the parties shall be notified. In the event that public hearings are scheduled for April 12, 2010, the evidentiary hearing will commence at the Public Utilities Commission on April 13, 2010, at 9:30 a.m.

### **Deadline for Public Comments**

6. Public Comments may also be submitted in writing to the Administrative Law Judge and must be received by 4:30 p.m. on **May 11, 2010**. Public comments may be sent by United States Mail or by e-mail.

### **Order of Testimony**

7. Unless the parties agree otherwise, the order of testimony shall be: the Applicant, Midtown Greenway Coalition, City of Minneapolis, Crew2, Inc., Hennepin County, Little Earth of United Tribes, Longfellow Community Council, Seward Neighborhood Organization, Corcoran Neighborhood Organization, Phillips West Neighborhood Organization, Wells Fargo Bank, Midtown Phillips Neighborhood Association, East Phillips Improvement Coalition, additional intervenors, if any, in the order of intervention, and the Department. Questioning of the witnesses shall proceed in the same order, subject to change by agreement of the parties or further order of the Administrative Law Judge.

### **Prefiled Testimony**

8. Each of the parties shall file testimony addressing its preferred route.

9. Typically, testimony is presented in question and answer format. However, narrative form is acceptable so long as each page and line of the testimony is numbered.

10. Each witness's testimony shall be separately e-filed and have its own e-docket identification number. The description of the filing shall include the witness name (e.g., Doe Direct). If the exhibits to the testimony are included, they should be referenced in the document name (e.g., Doe Direct and Exs. 1-5). If the exhibits as a group exceed 50 pages, they should be included in a separate e-filing (e.g., Doe Direct, Exhs. 1-5). If any one exhibit exceeds 50 pages, it should be e-filed separately (e.g., Doe Direct, Ex. 3).

11. Any correction to previously filed testimony or exhibits shall be separately e-filed and identify the specific document it corrects (e.g., Doe Direct, Errata).

12. One hard copy of the prefiled testimony and associated exhibits shall be sent to the Administrative Law Judge at the time of filing.

### **Exhibits Offered At Hearing**

13. Any exhibit to be offered at hearing shall be labeled on the first page with the PUC docket number and the e-docket document identification number, if the exhibit was previously e-filed. The hearing exhibit number will be assigned by the court reporter.

14. Each party shall have one hard copy of each proposed exhibit that has been previously e-filed available to be marked and offered into the hearing record. An additional hard copy shall be provided for the use of the witnesses. A hard copy shall also be provided for the Administrative Law Judge if not previously provided.

15. Each party offering an exhibit that has not been previously e-filed must have sufficient copies of the exhibit for all the parties, the Department, the Commission staff, the court reporter, the Administrative Law Judge, and one hard copy for use by the witnesses. The court reporter shall coordinate e-filing any exhibit that is offered into evidence and has not been previously e-filed.

16. The Exhibit List filed on April 2, 2010, shall include:

- a. The name of the offering party;
- b. A blank space for the hearing exhibit number assigned by the court reporter;
- c. A description of the document; and
- d. The e-docket document identification number, if any.

### **Prior Orders Remain In Effect**

17. Except as expressly amended by this Order, the Prehearing Order, issued on August 11, 2009, and the Revised Scheduling Order, issued on December 7, 2009, remain in effect.

Dated this 1st day of February, 2010.

s/Beverly Jones Heydinger  
BEVERLY JONES HEYDINGER  
Administrative Law Judge



## MINNESOTA OFFICE OF ADMINISTRATIVE HEARINGS

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February 1, 2010

To All Parties on the  
E-Docket Service List

**Re: In the Matter of the Application for a Route Permit for the  
Hiawatha Transmission Project; OAH No. 15-2500-20599-2  
PUC No. E-002/TL-09-38**

Dear Parties:

Attached and served upon you as listed on the E-Docket Service List attached to the Certificate of Service List is the

### **Second Prehearing Order and Schedule Revisions**

Sincerely,

s/Beverly Jones Heydinger  
BEVERLY JONES HEYDINGER  
Administrative Law Judge

Telephone: (651) 361-7838

BJH:nh

STATE OF MINNESOTA  
OFFICE OF ADMINISTRATIVE HEARINGS  
ADMINISTRATIVE LAW SECTION  
600 NORTH ROBERT STREET  
ST. PAUL, MN 55101

**CERTIFICATE OF SERVICE**

<b>Case Title: In the Matter of the Application for a Route Permit for the Hiawatha Transmission Project</b>	<b>OAH No. 15-2500-20599-2 PUC No. E-002/TL-09-38</b>
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Nancy J. Hansen certifies that on the 1st day of February, 2010 she served a true and correct copy of the attached Second Prehearing Order and Schedule Revisions as stated on the following E-Docket Service List:

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret
Lisa	Agrimonti	lagrimonti@briggs.com	Briggs And Morgan, P.A.	2200 IDS Center80 South 8th Street Minneapolis, MN 55402	Electronic Service	No
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Patricia	DeBleeckere	tricia.debleeckere@state.mn.us	MN Public Utilities Commission	Suite 350 121 Seventh Place East St. Paul, MN 55101	Electronic Service	Yes
Lori	Ellis	Lori.ellis@leearth.org	Little Earth of United Tribes	2495 18th Avenue S Minneapolis, MN 55404	Electronic Service	No
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Sheldon	Mains	smains@visi.com	Seward Neighborhood Group, Incorporated	2718 East 24th Street 1821 University Avenue West St. Paul, MN 55104	Electronic Service	No

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